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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,757	09/29/2003	Franco Castellini	BUGZ 200211	1483

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EXAMINER

KILKENNY, PATRICK L

ART UNIT

PAPER NUMBER

3732

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/673,757

Applicant(s)

CASTELLINI, FRANCO

Examiner

Patrick J. Kilkeny

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statements (IDS) submitted on 9/29/2003 and 6/28/2004 are noted. The submission is in compliance with the provisions of 37 CFR 1.97 and 1.98. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

Claims 4 and 5 are objected to because of the following informalities:

Claims 4 and 5 claim "the second and third means of interception positioned on the first conduit." Claim 1, of which claims 4 and 5 are both dependent, claims a "second means of interception positioned on the fluid supply line..."

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 3-10, 11-14, and 15-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2, 3, and 16-17 recite the limitation "the support body." There is insufficient antecedent basis for this limitation in the claim. The only reference is to "a body" in claim 1. Appropriate action is required.

Claims 11 and 13 recite the limitation "the fourth means." There is insufficient antecedent basis for this limitation in the claim. Appropriate action is required.

Claims 11 and 20 recite the limitation "the branches connecting the remaining handpieces." There is insufficient antecedent basis for this limitation in the claim. Appropriate action is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Overmyer (6250,920). Overmyer discloses an auxiliary unit for purging and sanitizing dental units (Fig. 2) that consists of fluid supply line (59) connected to the general water main (76) and a dental unit (Large box with dashed lines) by means of a first branch (See attached Figure, A) which supplies a series of handheld dental instruments (4) with a

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first means for intercepting fluids (X's). There is also an air supply line (B) that is connected to a compressed air source (58) and to the dental unit. The auxiliary unit is contained within a body (100) and contains a container with disinfectant (105), which is connected by a first conduit (111). There is a second means of interception (79) on the fluid supply line, and there is a means for preparing and implementing the treatment (55 and 106).

Claims 1-6, 8-10, and 15-17 rejected under 35 U.S.C. 102(b) as being anticipated by Detsch et al. (5,526,841). Detsch et al. discloses an auxiliary dental unit decontamination unit (Fig. 3) comprising a fluid supply line (64) connected to a water main (22) and a dental unit with a series of instruments (Fig. 1, #18) via a first branch (15 and 16 into Fig. 1, 17). Detsch et al. discloses a three-way syringe as an example of an instrument, which inherently has a first intercepting means to allow the supply of air or water based on the fact that fluids from different sources need to pass through the same syringe. There is also an air supply line (14) that is connected to a compressed air source and to the dental unit (15). The auxiliary unit is contained within a body (13) that acts as a protective guard of all the auxiliary components and contains a disinfectant container (26), which is connected by a first conduit (59). There is a second means (check valve) of interception (65) on the fluid supply line, and there is a means for preparing and implementing the treatment (39 and 40). The preparing and implementing means are positioned in two separate locations on a second air supply conduit (29 in with two branches of line leading out of 42 and 44), which is connected to the air supply line (at 41), and both the preparing and implementing means are relatively close to all

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interception means located within the auxiliary unit. Both the preparing and implementing means act upon all the interception means of the unit. There is also a third means (check valve) of interception (66) positioned on the first conduit and a fourth means (check valve) of interception (67). All the intercepting means are check valves that prevent backflow. The preparing means consists of a valve and lever on the outside of the body with three positions for opening and closing the connection between the air supply line and two branches of the second conduit (lines leading out of 42 and 44) that connect with the second and third means of interception. The second air supply conduit (second branch out of 42) leads to a container of disinfectant (26) and allows the disinfectant to flow through the first conduit (59). The implementing means (39) is a pneumatically controlled valve that can reduce the air pressure going into that will go into the preparation means and ultimately into the disinfectant container. The pressure is displayed by the implementing means via the indicator of the associated control dial (68). There is also an air outlet (46) on the second air conduit to allow discharge of air between the air supply line and the second conduit.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Detsch et al. Detsch et al. discloses an air filtering unit upstream from the disinfectant container not on the second air supply conduit, but on the air supply line. It would have been obvious to one having ordinary skill in the art at the time the invention was made to move the air filtering unit to the second air supply conduit, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Allowable Subject Matter

Claims 12-14 and 18-19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 for prior art of reference. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick J. Kilkenney whose telephone number is (571) 272-8684. The examiner can normally be reached on Mon-Fri, 8-5:30.

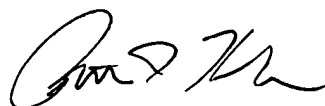
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



PJK



Patrick J. Kilkenny

February 9, 2006

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2/9/06



Cary E. O'Connor
Primary Examiner